

8552. Adulteration and misbranding of cocoa. U. S. * * * v. 63 Boxes of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10678. I. S. No. 6771-r. S. No. C-1323.)

On June 27, 1919, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 63 boxes of cocoa, remaining in the original packages at Bloomington, Ill., alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., on or about March 26, 1919, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "My Own Pure Cocoa. The Cocoa contained in this package is Positively High Grade * * *."

Adulteration of the article was alleged in substance in the libel for the reason that starch and sugar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the article, "My Own Pure Cocoa," not sufficiently corrected by the inconspicuous statement stamped on said label, to wit, "My own cocoa compound containing cocoa sugar corn starch," was false and misleading and deceived and misled purchasers of the article. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On November 15, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8553. Misbranding of Murphey's Second Summer Remedy. U. S. * * * v. Edward Kirkwood. Plea of guilty. Fine, \$25. (F. & D. No. 10778. I. S. No. 8837-p.)

On October 9, 1919, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward Kirkwood, Madisonville, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 3, 1917, from the State of Kentucky into the State of Indiana, of a quantity of an article, labeled in part "Murphey's Second Summer Remedy The Baby's Friend. * * * Manufactured only by Murphey Medicine Co., Incorporated, Madisonville, Ky.," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an emulsion consisting essentially of an aqueous mixture containing alcohol, sugar, nonvolatile oil (castor oil), plant material, and traces of peppermint oil and morphine.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons and in a circular contained in the package inclosing the article, falsely and fraudulently represented it to be effective as a treatment for teething, as a treatment, remedy, and cure for second summer complaint and bowel troubles with teething children, and as a cure for flux, when, in truth and in fact, it was not. Mis-

branding was alleged for the further reason that certain statements, to wit, "The Baby's Friend" and "Guaranteed by Murphey Medicine Co., under the Food and Drugs Act, June 30, 1906," borne on the cartons and bottles aforesaid, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a preparation which could be administered to infants with safety to health, and that it conformed with the requirements of the Food and Drugs Act, whereas, in truth and in fact, the article could not be administered to children with safety to health, in that it contained opium which rendered it unsafe to be administered to children, and it did not conform with the requirements of the Food and Drugs Act.

On November 24, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

S554. Misbranding of Gray's Ointment. U. S. * * * v. 71½ Dozen Packages of Drug Products. Order by consent for release of product under bond. (F. & D. No. 10837. I. S. No. 6817-r. S. No. C-1364.)

On July 16, 1919, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 71½ dozen packages of drug products, labeled in part "W. F. Gray's Genuine Ointment," at Houston, Tex., alleging that the article had been shipped by W. F. Gray & Co., Nashville, Tenn., on or about April 7, 1919, and transported from the State of Tennessee into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "For Burns, Scalds, Rheumatism, Tic-douloureux, Poisonous Bites of Spiders * * * or from having come in contact with Poisonous Plants; Broken Breasts, Sore Nipples and Carbuncles * * * Fistula * * * Injured Spine, Swellings of all kinds, * * * Sore Throat * * *;" (circular) "For the relief of * * * Ulcers of long or short standing * * * Scrofulous and other Tumors, including White Swellings * * * Old or Fresh Wounds, Gunshot Wounds * * * Swellings and Inflammations of all kinds; Rheumatic and other Pains * * * Scald Head, Tetter on the head or any other part of the body * * * Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds * * * Dog, Snake, Spider, and other Poisonous Bites, Broken Breasts, Sore Nipples * * * Injured Spine, Sore Eyes, Swellings of all kinds * * * Sore Throat * * * Pleurisy and Pneumonia * * * Splint, Wind Galls, Fistula * * * in early stages of Inflammatory Rheumatism and Soreness about the Breast * * * this ointment stands unrivaled * * * in the course of two or three hours the system is thrown into a gentle perspiration and all pain or soreness is rapidly removed * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of oxid and acetate of lead, linseed oil, a solid fat, beeswax, and a small amount of oil of turpentine.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling appearing on the carton and in the circular contained in each of said cartons, as aforesaid, regarding the curative or therapeutic effect of said drug products or medicine, was false and fraudulent in that said drug or medicine contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 15, 1920, W. F. Gray & Co., Nashville, Tenn., claimant, having entered an appearance, order by consent was entered providing that the product be